

MEMORIAL

OF

THE LEGISLATURE OF LOUISIANA,

*In relation to school lands in that State.*

FEBRUARY 2, 1848.

Read, referred to the Committee on Public Lands, and ordered to be printed.

RESOLUTION.

*Be it resolved by the Senate and House of Representatives of the State of Louisiana in General Assembly convened,* That copies of the following memorial be transmitted to each of our Senators and Representatives in Congress, and that they be requested to urge upon Congress the necessity of an early passage of the laws therein indicated:

*Memorial to the Senate and House of Representatives of the United States in Congress assembled:*

The memorial of the legislature of the State of Louisiana.

RESPECTFULLY REPRESENTS:

That, by article one hundred and thirty-four of the constitution of this State, the legislature is required to establish free schools throughout the State, and provide for their support by taxation on property, or otherwise: the one hundred and thirty-fifth article requires that the proceeds of all lands heretofore granted by the United States to this State, for the use of schools, and of lands which may hereafter be granted or bequeathed to the State, not expressly granted or bequeathed for any other purpose, which hereafter may be disposed of by the State, and the proceeds of the estates of deceased persons to which the State may become entitled by law, shall be held by the State as a loan, and shall be and remain a perpetual fund, on which the State shall pay an annual interest of six per cent.; which interest, together with all the rents of unsold lands, shall be appropriated to the support of such schools, and this appropriation shall remain inviolable.

It will be seen, then, that the framers of the constitution have made ample provision for the establishment of schools, which it was the benevolent purpose of Congress to accomplish by the reservation of the sixteenth section in each township.

The act of Congress approved the twentieth May, eighteen hundred and twenty-six, provides for the location of other lands in lieu of the sixteenth section, in cases where no vacant land can be found within

the township to satisfy the same; but your memorialists represent that, on account of the peculiar character of the lands of the alluvial parts of this State, it frequently happens that the sixteenth section falls upon irreclaimable sea marsh, and other lands of no value, whilst the adjacent public lands command the highest prices for the government; thus defeating the benevolent object that was contemplated by Congress, and making those who pay most for their lands liable to provide for the support of their own schools, but for the obligation imposed on the legislature by the constitution. This legislature have now under serious consideration the establishment of free schools, according to the injunctions of the constitution; but they find great difficulty in the organization of a general and equitable system, on account of the terms of the law making the original reservation of sixteenth sections, and the restrictions and limitations imposed on the sale or disposal of these lands by the act of Congress of the fifteenth February, eighteen hundred and forty-three, [chapter thirty-third,] the lands being thus left unavailable and unproductive, and liable to waste, in all cases where any portion of the inhabitants of a township may withhold their consent to a sale, and where there may be no inhabitants to give such consent; and the legislature, to carry out in good faith the objects of the constitution, are thus driven to the necessity of imposing a tax on the valuation of property, fully equal to, if not greater, than that required for the support of the State government. In view of all these facts, your memorialists urgently request that Congress will, at as early a day as practicable, pass a law authorizing the governor, or such other officer of this State as may be designated by law of the State, to locate sections or legal subdivisions of sections, in lieu of the sixteenth sections or such legal subdivisions thereof as may fall entirely upon sea marsh, or other lands unfit for cultivation, and of no value; and that the legislature of this State be vested with full power to provide by law for the sale and conveyance of all lands in said State that have been or may be reserved for common schools, and lands located in lieu thereof, by virtue of this or previous acts of Congress, the proceeds to be applied according to the one hundred and thirty-fourth and one hundred and thirty-fifth articles of the constitution of said State.

PRESTON W. FARRAR,

*Speaker of the House of Representatives.*

TRASIMON LANDRY,

*Lieutenant Governor and President of the Senate.*

Approved February 27, 1847.

ISAAC JOHNSON,

*Governor of the State of Louisiana.*